

**Federal Communications Commission**

---

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Jonathan A. Gutierrez	)	File No.: EB-FIELDNER-23-00035561
Licensee of Station WRTD259	)	
	)	FRN: 0032486466
Steelton, Pennsylvania	)	
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: August 24, 2023**

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules<sup>1</sup> to Jonathan A. Gutierrez, licensee of General Mobile Radio Service (GMRS) station WRTD259 in Steelton, Pennsylvania. Pursuant to section 1.89(a) of the Commission’s rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On August 3, 2023 between 6:00 p.m. and 10:00 p.m. and on August 7, 2023 between 10:00 a.m. and 1:00 p.m. in response to a complaint of intentional interference to the 462.625 MHz repeater in Mt. Holly, Pennsylvania, agents of the Enforcement Bureau’s Columbia Office monitored the transmissions from station WRTD259 on the frequency 467.625 MHz and observed the following violations:

- a. 47 CFR § 95.1733(a)(4): “GMRS station must not communicate: Music, whistling, sound effects or material to amuse or entertain.” Jonathan A. Gutierrez used station WRTD259 to transmit music on 467.625 MHz, blocking use of that frequency for other communications and licensees.
- b. 47 CFR § 95.1733(a)(10): “GMRS stations must not communicate: Continuous or uninterrupted transmissions, except for communications involving the immediate safety of life or property.” Jonathan A. Gutierrez used station WRTD259 to transmit continuous tones on 467.625 MHz, blocking use of that frequency for other communications and licensees.

---

<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

**Federal Communications Commission**

---

- c. 47 CFR § 95.1751: “Each GMRS station must be identified by transmission of its FCC-assigned call sign at the end of transmissions and at periodic intervals during transmissions . . .” Jonathan A. Gutierrez failed to transmit his assigned callsign WRTD259 while transmitting on the frequency 467.625 MHz.
- a. 47 CFR § 95.1761(a): “Each GMRS transmitter (a transmitter that operates or is intended to operate in the GMRS) must be certified in accordance with this subpart and part 2 of this chapter.” Johnathan A. Gutierrez operated a non-certified GMRS radio on GMRS frequencies.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended (Act), and section 1.89 of the Commission’s rules, we seek additional information concerning the violations and any remedial actions taken.<sup>3</sup> Therefore, Jonathan A. Gutierrez must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with section 1.16 of the Commission’s rules, we direct Jonathan A. Gutierrez to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by him, verifying the truth and accuracy of the information therein, and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced.<sup>5</sup> To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File Number, specified above, and mailed to the following address:

Federal Communications Commission  
Columbia Regional Office  
9050 Junction Drive  
Annapolis Junction, Maryland 20701

6. This Notice shall be sent to Jonathan A. Gutierrez at his address of record.

---

<sup>3</sup> 47 U.S.C. § 308(b); 47 CFR § 1.89.

<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> Section 1.16 of the Commission’s rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 CFR § 1.16.

<sup>6</sup> 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

**Federal Communications Commission**

---

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
Regional Director, Region One  
Enforcement Bureau

---

<sup>7</sup> 5 U.S.C. § 552a(e)(3).